



Littler Mendelson, PC
290 Broadhollow Road
Suite 305
Melville, NY 11747

Lisa M. Griffith
631.247.4700 main
631.794.2795 fax
lgriffith@littler.com

September 14, 2020

VIA ECF

Hon. Roanne L. Mann, U.S.M.J.
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Clarke v. Burger King Corporation et al; Docket No. 1:20-cv-01465-ENV-RLM

Dear Judge Mann:

This firm represents Defendants Burger King Corporation and Rackson Restaurants in the above-referenced matter. We write in opposition to Plaintiff's motion to compel defendant Burger King Corporation to produce responses to Plaintiff's First Request for the Production of Documents and First Set of Interrogatories (collectively "Plaintiff's Discovery Demands").

Defendant Burger King's responses to Plaintiff's Discovery Demands were initially due on July 17, 2020. However, Plaintiff agreed to extend the deadline for response to July 31, 2020. On August 3, 2020, Defendant Burger King's prior counsel, Norris McLaughlin, P.A., informed Plaintiff's counsel that the client was in the process of substituting its counsel and that it was waiting for executed substitution documents, and agreed to provide an update on discovery responses. On or about August 20, 2020 Defendant Burger King's prior counsel Sarah Bouskila Esq., of the firm Norris McLaughlin, P.A., unexpectedly went on maternity leave. Ms. Bouskila was the primary attorney working on responses to Plaintiff's Discovery Demands. On August 25, 2020, Defendant Burger King's prior counsel explained to Plaintiff's counsel it was still awaiting full execution of the substitution of counsel, and could not provide additional discovery responses. Today, Littler Mendelson, P.C. assumed representation of Defendant Burger King Corporation. (See ECF Docket No. 26). Littler Mendelson, P.C. is currently in the process of retrieving all of the case documents and files from Norris McLaughlin, P.A.

On May 27, 2020, Magistrate Judge Roanne L. Mann referred this case to mediation upon consent of all parties. However, the parties had a difficult time agreeing to a mediator and finding a mediator with knowledge of public accommodation cases who was available to mediate during the pandemic. On September 14, 2020, the parties agreed to utilize the services of Mediator Linda Gerstel, Esq. and the parties are currently attempting to schedule a mediation for the week of October 13, 2020 or the following week.

Hon. Roanne L. Mann, U.S.M.J.
September 14, 2020
Page 2

Plaintiff's counsel has consented to a three-week extension of time for Burger King to respond to the discovery demands due to this firm taking over representation of Burger King as of today. Plaintiff also consented to a three-week extension of time for Rackson Restaurants to respond to its deficiency letter, making both responses due three weeks from today, on October 5, 2020. Plaintiff's consent to the extension of time for Burger King to respond to her discovery demands therefore renders Plaintiff's instant motion to compel moot.

The Parties also seek a 60-day extension of all deadlines and conferences in this case. Fact discovery is currently expected to be completed by October 28, 2020, therefore the parties request an extension of time to December 28, 2020 to complete fact discovery. Summary judgment motions are expected to be filed by November 27, 2020, and the parties respectfully request a 60-day extension of that deadline, to January 26, 2021.

Thank you, Your Honor, for your consideration of these requests.

Respectfully submitted,

/s/ Lisa M. Griffith

Lisa M. Griffith

cc: All Counsel (via ECF)